

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

FILED

FEB 3 2004

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY SL
DEPUTY CLERK

No. 03-50662
Summary Calendar

D.C. Docket No. A-03-CV-57-JN

U.S. COURT OF APPEALS
FILED

DEC 30 2003

CHARLES R. FULBRUGE III
CLERK

CLAUDE L RIVERS, SR

Plaintiff - Appellant

v.

SECTION 8; RITA WANSTROM; JACKSON COLE; HENRY FLORES; CARL S
RICHIE, II; CHARLES BAILEY; JAMES L HARGROVE; JUDY PACIOCCO;
DIANE FALCON; KENNETH HARRINGTON; MARY F REECE; LISA GARCIA;
HOUSING AUTHORITY OF THE CITY OF AUSTIN

Defendants - Appellees

Appeal from the United States District Court for the
Western District of Texas, Austin.

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the
briefs on file.

It is ordered and adjudged that the judgment of the District
Court is affirmed.

ISSUED AS MANDATE: JAN 21 2004

OP-S-J-1

A true copy
Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By [Signature]
Deputy

New Orleans, Louisiana JAN 21 2004

December 30, 2003

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

Charles R. Fulbruge III
Clerk

No. 03-50662
Summary Calendar

CLAUDE L. RIVERS, SR.,

Plaintiff-Appellant,

versus

SECTION 8; RITA WANSTROM; JACKSON COLE; HENRY FLORES;
CARL S. RICHIE, II; CHARLES BAILEY; JAMES L. HARGROVE;
JUDY PACIOCCO; DIANE FALCON; KENNETH HARRINGTON; MARY
F. REECE; LISA GARCIA; HOUSING AUTHORITY OF THE CITY
OF AUSTIN,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-03-CV-57-JN

Before SMITH, DeMOSS AND STEWART, Circuit Judges.

PER CURIAM:*

Claude L. Rivers, Sr., appeals from the dismissal of his civil rights suits alleging claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1964(c); the Hobbs Act, 18 U.S.C. § 1951; 42 U.S.C. § 1983; the Due Process Clause; and the Equal Protection Clause. The district court dismissed the complaint as frivolous.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

As a preliminary matter, Rivers has inadequately briefed his claims under 42 U.S.C. § 1983, and he has failed to brief his claims concerning the defendants' alleged distribution of marijuana or his claims arising under state law. Accordingly, those claims are deemed abandoned. See Yohey - Collins, 985 F.2d 222, 224-25 (5th Cir. 1993); see also FED. R. APP. P. 28(a)(9). We find no merit in the argument that the district court should have ruled on Rivers's motion to recuse because the case was transferred from the district judge who was the subject of the motion. See 28 U.S.C. §§ 144 and 455.

Rivers argues that he adequately pleaded his RICO claims because he alleged the predicate acts of mail fraud and extortion. We conclude, however, that Rivers's complaint fails to allege sufficiently a pattern of racketeering activity connected to the acquisition, establishment, conduct, or control of an enterprise. See Elliott v. Foufas, 867 F.2d 877, 880 (5th Cir. 1989); Manax v. McNamara, 842 F.2d 808, 811 (5th Cir. 1988). Rivers's motion to transfer the appeal to the United States Supreme Court is DENIED.

AFFIRMED; MOTION DENIED.